

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EDWARD SMITH,

Plaintiff(s)

vs.

REGINALD WILKINSON, et al.,

Defendant(s)

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Case Number: 1:05cv411

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge filed on October 19, 2005(Doc. 17), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired November 2, 2005, hereby ADOPTS said Report and Recommendations.

Accordingly, the Court ADOPTS the Report and Recommendations of the Magistrate Judge (Doc. 17) hereby GRANTING Defendants' Motion to Dismiss (Doc. 15) and DISMISSING Plaintiff's complaint without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that for the reasons stated in the Report and Recommendation an appeal of this order would not be taken in good faith. *See McGore v Wriggleworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

____s/Susan J. Dlott_____
Susan J. Dlott
United States District Judge